



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Fike *et al.*

Appl. No. 09/606,314

Filed: June 29, 2000

For: **Dry Powder Cells and Cell Culture  
Reagents and Methods of  
Production Thereof**

Confirmation No. 1340

Art Unit: 1654

Examiner: Flood, Michelle C.

Atty. Docket: 0942.4290005/RWE/FRC

## Second Supplemental Information Disclosure Statement

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. The numbering on this Second Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' First Information Disclosure Statement filed on July 17, 2003 in connection with the above-captioned application. A copy of each document is also provided.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following concise explanation of the relevance of the non-English language document, Document AO4 cited on Form PTO-1449:

Document **AO4**, Japanese Patent Publication No. JP 2-57175, is in the Japanese language. The relevance of Document AO4 can be ascertained by reference to an unverified English language abstract attached as Document **AT12**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered. This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$180.00 in payment of the fee under 37 C.F.R. § 1.17(p); in addition:


Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

Consideration of the cited documents and making the same of record in the prosecution of the above-identified application is respectfully requested. The U.S. Patent and

Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

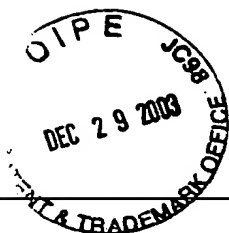
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Frank R. Cottingham  
Attorney for Applicants  
Registration No. 50,437

Date: DEC. 29, 2003

1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600



|  |  |                               |
|--|--|-------------------------------|
| FORM PTO-1449<br><br><u>SECOND SUPPLEMENTAL</u><br><u>INFORMATION DISCLOSURE STATEMENT</u> | ATTY. DOCKET NO.<br>0942.4290005/RWE/FRC | APPLICATION NO.<br>09/606,314 |
|  | APPLICANT<br>Fike et al.                 |                               |
|  | FILING DATE<br>June 29, 2000             | GROUP<br>1654                 |

## U.S. PATENT DOCUMENTS

| EXAMINER<br>INITIAL |    | DOCUMENT NUMBER | DATE | NAME | CLASS | SUB-CLASS | FILING DATE |
|---------------------|----|-----------------|------|------|-------|-----------|-------------|
|                     | AA |                 |      |      |       |           |             |
|                     | AB |                 |      |      |       |           |             |
|                     | AC |                 |      |      |       |           |             |
|                     | AD |                 |      |      |       |           |             |
|                     | AE |                 |      |      |       |           |             |
|                     | AF |                 |      |      |       |           |             |
|                     | AG |                 |      |      |       |           |             |
|                     | AH |                 |      |      |       |           |             |
|                     | AI |                 |      |      |       |           |             |
|                     | AJ |                 |      |      |       |           |             |
|                     | AK |                 |      |      |       |           |             |

## FOREIGN PATENT DOCUMENTS

| EXAMINER<br>INITIAL |     | DOCUMENT NUMBER | DATE       | COUNTRY | CLASS | SUB-CLASS | TRANSLATION |
|---------------------|-----|-----------------|------------|---------|-------|-----------|-------------|
|                     | AL  |                 |            |         |       |           | Yes<br>No   |
|                     | AM  |                 |            |         |       |           | Yes<br>No   |
|                     | AN  |                 |            |         |       |           | Yes<br>No   |
|                     | AO4 | JP 2-57175 ✓    | 02/26/1990 | Japan   |       |           | Yes<br>No X |
|                     | AP  |                 |            |         |       |           | Yes<br>No   |

## OTHER (Including Author, Title, Date, Pertinent Pages, etc.)

|  |    |         |   |
|--|----|---------|---|
|  | AR |         |   |
|  | AS | ✓<br>12 | Maa, Y-F., et al., "Spray-coating of rhDNase on lactose: effect of system design, operational parameters and protein formulation," <i>Int. J. Pharm.</i> 144:47-59, Elsevier Science B.V. (November 1996) |
|  | AT | ✓<br>12 | Derwent WPI abstract, Accession No. 1990-104911, English language abstract for JP 2-57175 (Document A04)  |

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.